

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b),  
Table of Allotments,  
Television Broadcast Stations.  
(Blanco, Texas)

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MB Docket No. 02-280  
RM-10558

To: Chief, Video Services Division

**COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING**

Univision Television Group, Inc. ("Univision"), the winning bidder and sole applicant for an initial construction permit for a new analog television station on Channel 52 at Blanco, Texas,' by its undersigned attorneys and in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, MB Docket No. 02-280, RM-10558 (released September 18,2002) (the "*NPRM*"), hereby files these Comments in support of the *NPRM*'s proposal to substitute and allot NTSC Channel 17 for NTSC Channel 52 at Blanco, Texas in the Table of Allotments.

**DISCUSSION**

1. On July 18,2000, the Commission released a Public Notice giving official notification that Univision was the winning bidder in FCC Auction No. 80 for a construction permit for a new NTSC television station on Channel 52 at Blanco, Texas.<sup>2</sup> Subsequently, the

<sup>1</sup> See FCC File No. BNPCT-20000817AAF, as amended.

<sup>2</sup> Blanco, Texas Broadcast Auction No. 80 Closes, Public Notice, DA 00-1592 (released July 18,2000).

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Commission adopted the Report and Order reallocating former TV Channels 52-59 for new services.<sup>3</sup> As the new Blanco Channel 52 construction permit was not excluded from the effect of the *52-59 Order*, Univision filed a Petition for Rule Making pursuant to the *52-59 Order* requesting that the Commission initiate a proceeding to amend the NTSC Table of Allotments to substitute NTSC Channel 17 for NTSC Channel 52 at Blanco, Texas. By its Petition, Univision demonstrated that the substitution of Channel 17 in the Television Table of Allotments is in the public interest, as it would facilitate the reallocation and introduction of new services in the Lower 700 MHz spectrum, while at the same time permitting the long-delayed initiation of television service to the community of Blanco, Texas.

2. In response to Univision's Petition, the Commission instituted the instant rule making proceeding to consider Univision's proposal. Univision hereby incorporates by reference its Petition previously filed in this proceeding and reiterates its expression of interest in the substitution of NTSC Channel 17 for the presently allotted NTSC Channel 52 at Blanco, Texas. As mentioned above, Univision currently has an application pending seeking authorization for a new construction permit for a television station operating on NTSC Channel 52. If the channel change proposed in the NPRM is granted, Univision will, as stated in its Petition, promptly amend its pending application pursuant to the *52-59 Order* in order to specify operation on Channel 17 at Blanco with facilities consistent with those specified in the engineering material filed with its Petition for Rule Making, and, upon authorization, Univision will construct the facilities contemplated therein and place the station into operation.

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<sup>3</sup> In the Matter of Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), GN Docket No. 01-74, FCC 01-364, released January 18, 2002 ("*52-59 Order*").

3. The Commission has previously indicated its support for the change to the Table of Allotments sought by this NPRM. In reviewing the **52-59 Order** on reconsideration, the Commission supported Univision's proposed substitution of Channel 17 for Channel 52 at Blanco, Texas, and instructed "the Media Bureau to work with Univision to expedite the allotment process."<sup>4</sup> Similarly, the Commission has long held that the initiation of new NTSC television service to the community of Blanco, Texas is in the public interest.<sup>5</sup> Thus, grant of the proposed substitution of Channel 17 at Blanco, Texas is consistent with the Commission's goals and the public interest.

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<sup>4</sup> In the Matter of Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), Memorandum Opinion and Order, GN Docket No. 01-74, FCC 02-185, 27 FR 126 (June 14, 2002) at ¶ 47.

<sup>5</sup> Dorothy O. Schulze and Deborah Brigham, 13 FCC Red 3259 (1998), *affirmed*, SL Communications, Inc. v. FCC, 168 F.3d 1354 (D.C. Cir. 1999); *see also In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Red 14588, 14639 (1998) (protecting NTSC allotments for which applications were pending, including Channel 52 at Blanco, from being eliminated to make room for new DTV allocations).

## **CONCLUSION**

The substitution of an in-core television channel for the current NTSC Channel 52 allotment will foster the Commission's goals of clearing broadcasters from the Lower 700 MHz spectrum and facilitate the reallocation and auction of that spectrum for new services. Similarly, substitution of Channel 17 will serve the public interest by preserving the introduction of analog television service to the community of Blanco, Texas. Univision's proposed change to the Television Table of Allotments is in the public interest and consistent with the Commission's articulated goals, and, accordingly, Univision respectfully requests that the Commission expeditiously grant the rule making proposed by the NPRM and allot NTSC Channel 17 for NTSC Channel 52 at Blanco, Texas.

Respectfully submitted,

**UNIVISION TELEVISION GROUP, INC.**

By:   
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Dated: November 12, 2002

**CERTIFICATE OF SERVICE**

I, Rhea Lytle, a secretary with the law firm of Shaw Pittman LLP, hereby certify that a copy of the foregoing **“COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING** was served via hand delivery on this 12th day of November, 2002 to the following:

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Chief, Video Services Division  
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Rhea Lytle